

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**
Pittsburgh Division

IN RE: MATTIE M DAVID	Case No. 18-22880-GLT Chapter 13
Freedom Mortgage Corporation, Movant	Hearing Date: 10/14/2021 Hearing Time: 11:30 AM Objection Date: TBD
vs.	
MATTIE M DAVID, Debtor	
Ronda J. Winnecour Respondent	

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Freedom Mortgage Corporation ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 93), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 20, 2018.

2. Movant holds a security interest in the Debtor's real property located at 54 Areford Blvd, Uniontown, PA 15401 (the "Property"), by virtue of a Mortgage which is recorded in Official Records of Fayette County, Pennsylvania.

3. The Debtor filed a Chapter 13 Plan (the "Plan") on September 7, 2021 (Doc 93), to

which Movant objects for the following reasons:

4. Movant filed a Proof of Claim in this case on January 17, 2020 (Claim No. 15-2).

5. The Plan includes payments toward the Note and Mortgage with Movant, however the figures used by the Debtor(s) are inaccurate and do not conform to Movant's timely-filed Proof of Claim. The correct pre-petition arrearage due Movant is \$1,194.50, whereas the Plan does proposes to pay only \$1,194.50, however, the notice section of the amended plan indicates that post petition forbearance arrears will be paid through the Plan, but does not update Section 3.1 properly to reflect post petition arrearage amount. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/ Mario Hanyon

Mario Hanyon

(Bar No. 203993)

Attorney for Creditor

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**CERTIFICATE OF SERVICE OF OBJECTION TO CONFIRMATION OF DEBTOR(S)'
CHAPTER 13 PLAN**

I certify under penalty of perjury that on October 5, 2021, I served or caused to be served the OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN on the parties at the addresses shown below or on the attached list.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was:

Via CM/ECF electronic notice:

Zebley Mehalov & White, P.C.
18 Mill Street Square
Post Office Box 2123
Uniontown, PA 15401
Counsel for Debtor

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

Bankruptcy Administrator

Via First Class Mail:

MATTIE M DAVID
54 AREFORD BLVD
UNIONTOWN, PA 15401
Debtor

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, names and addresses of parties served by electronic notice will be listed under the heading "Via CM/ECF electronic notice" and those served by mail will be listed under the heading "Via First Class Mail".

EXECUTED ON: October 4, 2021

/s/ Mario Hanyon
Mario Hanyon
(Bar No. 203993)
Attorney for Creditor
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PAWB Local Form 7 (07/13)

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IN RE:
MATTIE M DAVID

Freedom Mortgage Corporation,
Movant

vs.

MATTIE M DAVID,
Debtor

Ronda J. Winnecour
Respondent

Case No. 18-22880-GLT
Chapter 13

Hearing Date: 10/14/2021

Hearing Time: 11:30 AM

Objection Date: TBD

ORDER

AND NOW, this _____ day of _____, 2021, upon consideration of Freedom Mortgage Corporation's Objection to Confirmation of Debtor's Chapter 13 Plan and any response thereto (if any), it is:

ORDERED AND DECREED: that Objection to Confirmation of Debtor(s)' Chapter 13 Plan is denied.

Honorable Gregory L. Taddonio
United States Bankruptcy Court Judge